

Charmain Bogue
Executive Director, Education Service
U.S. Department of Veterans Affairs

December 16, 2020

RE: Impact of 85/15 Rule

Dear Director Bogue,

As a coalition of organizations associated with and involved in veterans, servicemembers and dependants educational programs, we call your attention to the announced change to the 85/15 Rule that was recently rescinded and the impact on military connected students. NAVPA asks that if the VA pursues amending the presented language during recent School Certifying Official (SCO) training of the 85/15 Rule, that VBA work directly with practitioners in the field such as NAVPA, to ensure no unintended language that is not part of the CFR is inadvertently added that would be detrimental to GI Bill beneficiaries.

We are concerned that language presented in the recent training will preclude any GI Bill® recipient the ability to attend their school of choice for the program they seek, due to potential unintended program suspensions under the new definitions of a *Supported Student*. These new definitions include provisions that are not part of 38 CFR, § 21.4201, *Restrictions on enrollment; percentage of students receiving financial support*.

Recently, the VA hosted two training sessions for SCO's announcing these new definitions of what constitutes a *Supported Student* in the 85/15 calculation under 38 CFR, § 21.4201. During both sessions presented in October & November 2020, the VA announced that institutions of higher learning are to include students with a balance after the start of classes, as a school *Supported Student*.

Per § 21.4201,

Department of Veterans Affairs shall not approve an enrollment in any course for an eligible veteran, not already enrolled, for any period during which more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees or other charges paid for them by the educational institution or by the Department of Veterans Affairs

Our coalition is troubled on how the new categories introduced during the training included some previously non-supported students erroneously being classified as *Supported Students*. We ask the VA to review the statute and VA training slide decks posted on the VA.gov website that identifies the following language as defining a *Supported Student* on a payment plan:

Any student where the full amount of tuition and fees has not been paid to the ETI prior to the reporting date (i.e., no later than 30 days from the start of a term or end of quarter) must be counted as a

Supported Student. This includes students on payment plans where the full amount of tuition and fees charged to the student (to include non-certifiable tuition and fees charges such as application fees, transfer fees, meal plans, etc.) is not paid full by the reporting date. So, when students are on a payment plan which goes beyond the reporting date, then that student must be counted as a Supported Student.

The growing number of higher education institutions across the country are significantly concerned that the previously announced changes to the 85/15 Rule may be only temporarily rescinded and that these earlier announced changes will still be implemented at a later date. If so, these changes will create unintentional consequences for military connected students as articulated in our previous communications.

Representing over one million GI Bill® beneficiaries, we call your attention to the definition of a *Supported Student* as these now consist of **all** students on payment plans to include our Active Duty military students using Federal Tuition Assistance (FTA) as FTA does not cover institutional fees. The military student is responsible for paying these fees.

Clearly this added language does not appear to be in the spirit of the law. The training provided goes against what is the US Code of Federal Regulation. Institutions have cash paying students on payment plans that are not supported by the institution nor the Department of Veterans Affairs, however, the new language from the VA training included this group of students to be counted as a *Supported Student*.

This added language truly gives a false representation of how many *Supported Students* are calculated, preventing a student from using their benefit at their school of choice or preferred program. Consequently, programs erroneously suspended are detrimental to student veterans. Student veterans will be faced with finding other alternative funding, such as loans, with no Monthly Housing Allowance (MHA), or will be unable to continue with their education at their school of choice.

We ask this language to be removed since this is not in the CFR and includes cash paying students utilizing a payment plan with a balance past 30-days.

On December 7, 2020, it was noted that the SCO Handbook was updated over the weekend where the new November 85/15 processes were removed, and the previous process reinstated. While our coalition truly thanks VA leadership for hearing the concerns of institutions nationwide, we are worried that this SCO Handbook update was implemented with no communication to the practitioner or internal VA compliance out in the field as schools are still being tasked to produce 85/15 calculations under the new November process.

There is still much confusion in the education sector especially so when SCO's reach out to ELR's and State Approving Agency's (SAA's) for guidance. While the most recent policy rescinding the 85-15 change, dated 12/03/2020, can be found in the online version

of the SCO Handbook, no messaging has been sent out to practitioners as of today's date to draw attention to this important update.

We ask that a memo be sent out immediately to address this communication and clarify for institutions, VA, and SAA what is the current expectation of computing the 85/15 Rule.

Director Bogue, we greatly appreciate the work of you and your office on behalf of student veterans and military connected students to quickly address these issues. Please feel free to contact Dr. Jan Del Signore directly at president@navpa.org if you should have any additional questions on this matter.

Thank you for taking care of our nation's heroes.

Most Respectfully,

Dr. Jan Del Signore
NAVPA President

Coalition Members:

National Association of Veterans' Program Association (NAVPA)
Association of Veterans Education Certifying Officials (AVECO)
California Advisory Council on Military Education (CA-ACME)
Career Education Colleges and Universities (CECU)
Colorado Advisory Council on Military Education (CO-ACME)
Council of Colleges and Military Educators (CCME)
Council on Military Transition to Education (CMTE)
Florida Advisory Council on Military Education (FL-ACME)
Florida Association of Veterans' Education Services (FAVES)
Maryland College Collaboration Student Veterans Commission (MCCSVC)
National Association of Institutions for Military Education Services (NAIMES)
North Carolina Association of Coordinators of Veterans Affairs (NCACVA)
Oregon Association of Veterans School Certifying Officials (OrAVSCO)
SALUTE Veterans National Honor Society
Virginia Association of School Certifying Officials (VASCO)
Western Association of Veteran Education Specialists (WAVES)
Wisconsin AACRAO